

REMARKS

In the Office Action mailed September 22, 2004, the examiner withdrew the previously indicated allowability of applicant's claims 33, 40, 41, 43 and 44, in view of a new and different asserted interpretation of applicants' claim language. On this basis, the examiner rejected applicants' claims for alleged obviousness under 35 USC 103 in view of several different asserted combinations of cited references. In addition, the examiner rejected dependent claim 36 for alleged indefiniteness under 35 USC 112.

In response, applicants have amended independent claims 30, 38 and 41 for purposes of reciting the invention in more detail, and in a manner which is respectfully submitted to distinguish more clearly and patentably from the cited references. Dependent claim 36 has also been edited to resolve the Section 112 issue.

As now presented, applicants' claims 30, 32, 34-38, 41, and 43-44 are believed to be in proper form for reconsideration and allowance, particularly for the reasons noted in the following remarks.

Revisions to the Claims

Independent claims 30, 38 and 41 all recite applicants' "strap" and "securement means" combination, wherein the "strap" carries an "antenna" and the "securement means" carries a "radio frequency identification circuit". As recited, the "securement means" is adapted for assembly with and disassembly from the "strap". This structure enables the invention to be used as a wristband or the like to identify a person or the like (e.g., a patient in a medical facility). Following such use, the "securement means with said radio frequency identification circuit carried thereby" can be removed from the "strap" and thereafter re-used with a subsequent or replacement strap to identify another person or the like. The original "strap" with "antenna" carried thereby, after disassembly from the "securement means", is a relatively inexpensive item, and can be discarded.

As presented in applicants' prior Response (filed May 21, 2004), these independent claims 30, 38 and 41 further recite "coupling means for operatively connecting" the antenna (carried by the strap) with the radio frequency identification circuit (carried by the securement means) "when said securement means is connected to said strap". Applicants' respectfully contend that this concept as previously claimed is not disclosed or suggested in the cited references, or in any combination thereof, notwithstanding any "new interpretation" of the claim language by the examiner, and thus sufficiently differentiates from the cited art to support the previously indicated allowability of applicants' claims.

Nevertheless, by this Response, and for purposes of distinguishing further and more clearly from the cited art, applicants have further amended independent claims 30, 38 and 41 to require said:

"coupling means for operatively and removably connecting said antenna with said radio frequency identification circuit when said securement means is connected to said strap, and for disconnecting said antenna from said radio frequency identification circuit when said securement means is disconnected from said strap." (Underlining indicates added language).

Accordingly, as now presented, independent claims 30, 38 and 41 require the "coupling means" to accommodate both connection and disconnection of the antenna with the radio frequency identification circuit concurrently with connection and disconnection of the "securement means" with the "strap". This disconnection, or removable, aspect of the "coupling means" is important, since it accommodates subsequent re-use of the "securement means" and the "radio frequency identification circuit" carried thereby with a subsequent or replacement "strap" having an "antenna" carried thereby. This concept, or any structure permitting this concept, is not found in the cited references of record.

In addition, by this response, applicants have edited dependent claim 36 to provide proper antecedent basis for the recited "antenna".

With these revisions, applicants' claims 30, 32, 34-38, 41, and 43-44 are believed to distinguish clearly and patentably from the cited references. Reconsideration and allowance of these claims are respectfully requested.

Discussion of the Cited References

In the Office Action, the examiner cited several combinations of references to support rejections of different groups of applicants' claims for obviousness under 35 USC 103.

1. de Jong, U.S. Patent 4,612,719 in view of Hayes, U.S. Patent 4,718,374

In combining these references to support a rejection of applicants' claims 30, 32, 34-36 and 38 for obviousness, the examiner concedes that the de Jong reference does not provide an antenna (Office Action, p. 3). However, the examiner resolves this deficiency in de Jong by asserting that the Hayes reference shows a radio frequency identification circuit device "further including an antenna attached to the chip device", citing Hayes, col. 5, lines 36-40 (Office Action, p. 3).

However, applicants respectfully contend that the examiner has mis-read the text of the Hayes patent, and further has glossed over and/or ignored key language in applicants' claims that differentiate from Hayes (considered alone or in combination with de Jong).

Specifically, the examiner-cited portion of the Hayes text merely describes an "identification signal generating means 60" in the form of "a conventional electronic chip device with conventional miniaturized electronic circuitry and an antenna" (Hayes, col. 5, lines 36-40). Hayes does not say that the "signal generating means 60" is attached to the "antenna" particularly by structure such as applicants' claimed "coupling means" that accommodates connection and disconnection as a "securement means" is respectively assembled and disassembled relative

to a "strap". To the contrary, a person skilled in the art would recognize and appreciate that the "antenna" in Hayes comprises an embedded portion of the "means 60", whereby Hayes clearly lacks applicants' claimed "coupling means".

Accordingly, any attempt to combine the Hayes structure into the de Jong device will necessarily and inherently use a signal transmitter with antenna all embedded within a single electronic chip device that does not and cannot accommodate applicants' claimed removable connection and disconnection of a radio frequency identification circuit on a "securement means" with an "antenna" on a strap.

Applicants' claims are, therefore, clearly patentable over the asserted combination of the de Jong and Hayes references.

2 . Ross, U.S. Patent 4,598,275 in view of
 Hayes, U.S. Patent 4,718,374

The Ross and Hayes references have been cited to support a Section 103 rejection of applicants' claims 30, 34 and 38. According to the examiner, Ross shows a strap 24 with a securement means in the form of a buckle 26 at one end, wherein a circuit identification device 20 is embedded within the strap 24. Since Ross' strap 24 and buckle 26 are interconnected, the examiner is now interpreting Ross' circuit identification device 20 as being "carried" by the buckle 26 for purposes of rejecting applicants' claims. Office Action, p. 4. In addition, the examiner again relies upon the Hayes reference, at col. 5, lines 36-40 thereof, for supposedly teaching "an antenna attached to the chip device" (Office Action, p. 4).

The examiner's reliance upon and interpretation of the Ross reference conveniently ignores applicants' claim language requiring the "securement means" to be removably connected to the "strap", wherein the "radio frequency identification circuit" remains "carried by said securement means" at all times. By contrast, given the examiner's current explanation of Ross, if Ross' buckle 26 were disconnected from the strap 24, then Ross' "circuit identification device 20" embedded within the strap

24 would no longer be "carried by" the buckle 26. This is contrary to the language of applicants' claims.

In addition, the examiner's reliance upon Hayes fails for the same reasons discussed above with respect to the de Jong/Hayes combination. Hayes does not disclose or suggest an antenna as a separate component from the radio frequency identification circuit, nor does Hayes contemplate any "coupling means" adapted for "removably connecting" these components in response to assembly and disassembly of the "securement means" with the "strap".

In this regard, applicants note that the "circuit identification device 20" disclosed in the Ross reference includes an embedded receiver 30 and an embedded transmitter 34 which would be construed and understood by a person skilled in the art to include an embedded antenna – all in a manner similar to the "chip 60" disclosed by Hayes. Thus, any conceivable combination of these two references would utilize an embedded antenna, and thereby would fail to disclose or suggest applicants' claimed "coupling means".

Applicants' claims are, therefore, clearly allowable over any combination of the Ross and Hayes references.

3 . Peterson, U.S. Patent 5,479,797 in view of
 Hayes, U.S. Patent 4,718,374 and
 de Jong, U.S. Patent 4,612,719

These three references have been cited under Section 103 to support the rejection of claims 30, 32, 34-35 and 38.

The Hayes and de Jong references have been discussed previously herein. Clearly, the examiner's interpretation of the Hayes reference, and particularly the continued reliance upon col. 5, lines 36-40 thereof, is incorrect. Nothing in either reference, Hayes or de Jong, discloses or suggests applicants' claimed concept of separately mounting a radio frequency identification circuit on a "securement means" and an antenna on a "strap", together with "coupling means" for removably connecting and

disconnecting the circuit and antenna concurrently with respective assembly and disassembly of the “securement means” and “strap”.

The Peterson reference has been cited for its disclosure of a “strap” and “securement means”, although the examiner concedes that Peterson does not disclose any radio frequency identification circuit or related antenna carried by these components (Office Action, p. 5). Nevertheless, the examiner suggests that a combination of Peterson with the Hayes and de Jong references would render applicants’ claims obvious. Yet, as noted above, the Hayes and de Jong references do not disclose or suggest applicants’ concept including the “coupling means”. Accordingly, no combination of the Peterson, Hayes and de Jong references can support a rejection of applicants’ claims.

4 . MacDonald, U.S. Patent 5,323,554 in view of

Ross, U.S. Patent 4,598,275 and

Hayes, U.S. Patent 4,718,374

These three references have been cited in combination to support a rejection of applicants’ claims 30, 35, 37, 41 and 43-44 for obviousness.

As noted previously herein, the Ross and Hayes references do not support a rejection of applicants’ claims. Once again, applicants note that the Hayes reference (and the examiner’s repeated reliance upon col. 5, lines 36-40 thereof) fails to disclose or suggest applicants’ “coupling means” concept. The Ross reference similarly fails to disclose or suggest this concept recited in applicants’ claims.

The MacDonald reference discloses yet another example of a wristband or strap which the examiner concedes does not disclose or suggest “a radio frequency identification device ... and an antenna” (Office Action, p. 6). Accordingly, the MacDonald reference fails to support the rejection for obviousness, for the same reasons that the Peterson reference is deficient. Neither reference discloses or suggests anything that can be relied upon to overcome the fundamental deficiencies of the secondary references – Ross and Hayes, in this instance.

Accordingly, applicants' claims are clearly allowable over any combination of the MacDonald, Ross and Hayes references.

Conclusion

In conclusion, in view of the foregoing remarks and related revisions to the claims, claims 30, 32, 34-38, 41 and 43-44 as now presented are submitted for reconsideration and allowance. A Notice of Allowance is believed to be in order, and is therefore respectfully requested.

Respectfully submitted,

KELLY LOWRY & KELLEY, LLP


Scott W. Kelley
Registration No. 30,762

SWK/cw
6320 Canoga Avenue, Suite 1650
Woodland Hills, California 91367
(818) 347-7900